

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN ROBERTSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 06-19-KAJ
	)	
CORRECTIONAL MEDICAL	)	
SYSTEMS,	)	
	)	
Defendant.	)	

**ORDER**

WHEREAS, plaintiff, John Robertson, filed an amended complaint pursuant to 42 U.S.C. § 1983, after the original complaint and USM-285 forms were forwarded to the U.S. Marshal for service;

WHEREAS, the amended complaint does not add new parties, and pursuant to Fed.R.Civ.P. 15(a), a party may move to amend the party's pleading once as a matter of course before a responsive pleading is served;

WHEREAS, to date service has not been effected;

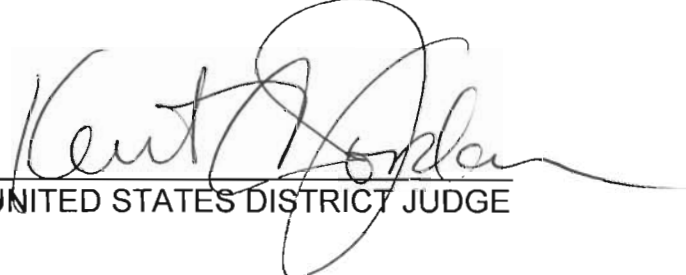
THEREFORE, at Wilmington this 9<sup>th</sup> day of May, 2006, IT IS ORDERED that:

1. The Clerk of the Court shall cause a copy of this order to be mailed to plaintiff.
2. The Clerk of the Court shall forward to the U.S. Marshal a copy of the amended complaint (D.I. 12) and a USM-285 form for Correctional Medical Systems.
3. The United States Marshal shall forthwith serve a copy of the amended complaint, this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the Correctional Medical Systems as identified in the 285 form.

4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

  
UNITED STATES DISTRICT JUDGE